REMARKS

By this amendment, claims 2-3, 5-7, 9-15, 17-19, 21-30, 32-34, and 36-37 are pending, in which claims 2, 3, 10, 12, 13, 25 and 37 are currently amended. No new matter is introduced.

The Office Action mailed February 26, 2010 objected to claim 3, 6-7, 9-15, 17-19, and 21-28 and rejected claims 2-3, 5-7, 9-11, 13-15, 17-19, 21-23, 25-26, 28-30, 32-34 and 36-37 under 35 U.S.C. § 102 as anticipated by *Alfvin et al.* (US Pat No. 7231367) (hereafter "Alfvin"), claims 12 and 24 as obvious under 35 U.S.C. § 103 based on *Alfvin et al.* (US Pat No. 7231367) (hereafter "Alfvin") in view of *Wang et al.* (US Pat No. 7299281) (hereafter "Wang"), and claim 27 as obvious under 35 U.S.C. 103 based on *Alfvin et al.* (US Pat No. 7231367) (hereafter "Alfvin") in view of Official Notice.

In view of the amended claims, the objections have been overcome.

Additionally, although Applicants disagree with the assertion that "the term 'adapted to' ... is not a limitation and does not constitute any patentable sense" (page 2, Office Action), Applicants nonetheless have removed this term from claims 2, 24, 25, and 37 to reduce issues for potential appeal.

With respect to the anticipation rejection based on Alfvin, Applicants respectfully traverse as the reference fails to teach all features of the claims.

For example, independent claims 13 and 29 recite, *inter alia*: "analyzing the personal content and generating information based on the personal content and further combining the generated information based on the personal content with **other data obtained from external databases**." Independent claim 33 recites, *inter alia*: "processor readable program code for analyzing the personal content and generating information based on the personal content and

further combining the generated information based on the personal content with **other data obtained from external databases**." Independent claims 25 and 37 recite, *inter alia*: "a media-diary server having a data repository, the media-diary server receiving extracted personal content from the mobile terminal and storing the received personal content in the data repository, **the media-diary server obtaining other data from external databases through an external communications network**."

To satisfy the above claim features, the Office Action, on page 3, refers to col. 2, lines 29-40, which state the following (Emphasis Added)::

> In accordance with yet another aspect of the present invention there is also provided a multi-section statement form for use by **a combined telecommunications and imaging services service provider**, comprising: (a) a first portion of the form comprising a billing invoice for telecommunications and imaging services charges accumulated for a predetermined time period; (b) a second portion of the form comprising a hard copy index print containing images taken during a predetermined time period; and (c) a third portion of the form comprising an order form for ordering photographic goods and/or services based upon the images contained in the index print.

As best understood, the Examiner appears to equate the claimed "media-diary server" to a "telecommunications service provider" (block 200 of FIG. 3). FIG. 2 merely shows a multi-section statement form. First, Applicants respectfully submit that one of ordinary skill would not equate the claimed media-diary server with the telecommunications service provider. This position is contrary to well settled rules of claim interpretation that when giving a claim its broadest reasonable interpretation, the words of a claim must be read as they would be interpreted by those of ordinary skill in the art. *In re Baker Hughes Inc.,* 215 F.3d 1297, 55 USPQ2d 1149 (Fed. Cir. 2000); *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); M.P.E.P. 2111.01. "Although the PTO must give claims their broadest reasonable interpretation, this interpretation must be consistent with the one that those skilled in

the art would reach." *In re Cortright,* 165 F.3d 1353, 1369, 49 USPQ2d 1464, 1465 (Fed. Cir. 1999). The term "server" customarily refers to a computer that may be running a server operating system and/or any software or dedicated hardware capable of providing services. On the other hand, the term "service provider" customarily refers to a business that provides a particular service, in this case telecommunication services.

Even assuming, *arguendo*, the telecommunications service provider in Alfvin could somehow be reasonable equated to the claimed media-diary server, Alfvin fails to disclose the subject claim features. In the Alfvin system, "the telecommunications service provider provides a data base for receiving and storing the captured images transmitted by the customer and also provides to the customer a visual representation of the captured images taken during the predetermined time period along with the periodic statement of services." (Abstract) (emphasis added). Accordingly, the "multi-section statement form" disclosed is the "periodic statement of services" provided by the service provider. The Alfvin system does not obtain the "billing invoice, order form, and index print . . . from external databases.". That is, the databases would not be external to the telecommunications service provider.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that Alfvin does not anticipate independent claims 13, 25, 29, and 33.

With respect to the obviousness rejections in view of *Wang et al.* or Official Notice, the additional teachings of *Wang et al.* or Official Notice do not cure the deficiencies of *Alfvin et al. Wang et al.* is relied upon for a supposed teaching of "using OCR to extract textual information." The Official Notice pertains to "using a daemon for internal applications." Although the

Examiner may in some instances take official notice of certain facts to fill in the gaps, such facts should not comprise the principle evidence upon which a rejection is based. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970).

In view of the foregoing, no *prima facie* case of obviousness has been established.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

May 26, 2010
Date

/Phouphanomketh Ditthavong/
Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9951
Fax (703) 519-9958